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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

1. This report is being submitted to the General Assembly pursuant to paragraph 10 of resolution 48/27 B of 8 July 1994, in which the General Assembly requested the Secretary-General to submit to the General Assembly regular reports on the work of the International Civilian Mission to Haiti.

2. On 13 July 1994, the Secretary-General of the United Nations, after consultation with the acting Secretary-General of the Organization of American States (OAS), decided to authorize the evacuation, for reasons of security, of members of the OAS/United Nations International Civilian Mission to Haiti (MICIVIH) after the de facto authorities had declared their presence undesirable in Haiti.

3. On 22 October 1994, 13 observers who had been evacuated to the Dominican Republic returned to Port-au-Prince to join the Executive Director and the staff of the Office of Human Rights, who had arrived on 6 October to evaluate the conditions for a return of MICIVIH. Seven more observers came to reinforce this first group during the week of 7 November. Others are expected in the coming weeks.

4. The activities of the Mission resumed on 26 October with the reopening of an office in Port-au-Prince. From 26 October to 10 November, some 527 persons appeared at the offices of the Mission; some were there to provide information on the general situation (with regard to, inter alia, human rights violations, activities of attachés or members of the Front révolutionnaire pour l'avancement et le progrès en Haiti (FRAPH) and weapons caches), while others sought medical or humanitarian assistance or work, or wished to express their thanks to MICIVIH.

5. The observers made several visits to Port-au-Prince and the surrounding areas to meet with the people again and inquire into reported human rights

violations. In addition, teams of observers visited the departments of Ouest, Artibonite, Nord and Centre.

6. The purpose of these visits was to evaluate the human rights situation, to meet with the population and grass-roots organizations and with local commanders of the Haitian armed forces and heads of detachments of the multinational force and international police monitors and to prepare for the redeployment of MICIVIH in the departments visited.

7. The observers noted that the population in general felt strongly that human rights violations should not remain unpunished. A certain amount of tension was observed in the areas where members of the armed forces who had committed such violations continued to perform their duties (in particular at Grand-Goâve).

8. The international observers received information on the situation which prevailed following their departure from Haiti on 13 July and before the arrival of the multinational force on 19 September. According to the first reports received, the campaign of terror characterized by extrajudicial executions, kidnappings and enforced disappearances against supporters of President Jean-Bertrand Aristide continued during the months of July and August and into the first week of September.

9. Although it does not have complete information on the whole country, the Mission has noted a significant improvement in the human rights situation since its return, in particular in the areas where the multinational forces are establishing a climate of freedom and security. The members of grass-roots organizations, who had been forced to live in hiding because of the campaign of terror conducted by the armed forces and paramilitary groups, have gradually emerged and have begun to exercise their fundamental rights of freedom of expression and peaceful assembly.

10. However, the situation in the rural areas is still disturbing. The disbandment of the corps of section chiefs on 28 October has not yet had an effect on the situation. The Mission has received information indicating that the section chiefs, attachés and members of the armed forces and of FRAPH have continued to repress the population in certain regions, especially supporters of the presence of the multinational forces and of the President's return.

11. The Civilian Mission has been informed of incidents that have taken place in the departments of Centre (Montagne Terrible), Ouest (Grand-Goâve), Centre (Mirebalais) and Artibonite (Saint-Michel de l'Attalaye). It is looking into these incidents.

12. Most of the people questioned by MICIVIH attribute the insecurity in rural areas to the fact that the former section chiefs, attachés and members of FRAPH have not been completely disarmed.

13. The Mission has also received a number of reports that mobs have been looting and destroying private homes and shops. In some cases the perpetrators were common criminals, while in other cases they appeared to be supporters of President Aristide. The constitutional authorities have reacted promptly to these attacks, denouncing them and taking measures to control them.

14. Members of Parliament and of political parties who were openly supportive of the military and who had declared their opposition to President Aristide's return complained of acts of intimidation and aggression committed against them.

15. Now that President Aristide has returned to Haiti and a legitimate Government is in place, the International Civilian Mission to Haiti is operating in a totally different context. The question now arises as to whether its mandate should be modified.

16. The General Assembly, in paragraph 2 of its resolution 48/27 B of 8 July 1994, decided to authorize the extension of the mandate of the United Nations component of the Mission for an additional year according to the terms of reference and modalities negotiated with President Aristide. In its resolution 47/20 B of 23 April 1993, the Assembly had assigned to the Mission the initial task of verifying compliance with Haiti's international human rights obligations, with a view to making recommendations thereon, in order to assist in the establishment of a climate of freedom and tolerance propitious to the re-establishment of democracy in Haiti. However, the Organization of American States, in its resolution MRE/RES.2/91 of 8 October 1991 had given to the OAS component of the Civilian Mission a broader mandate which included facilitating the re-establishment and strengthening of democratic institutions. The terms of reference approved by President Aristide on 25 January 1993 indicated in the last paragraph (A/48/944, annex, para. 21) that discussions would be held to evaluate requirements and ways and means of strengthening democracy, accelerating economic development and modernizing and professionalizing the institutions that will guarantee justice and a stable democratic order. The United Nations and OAS were then to engage in the necessary consultations in order to implement these technical cooperation initiatives.

17. Discussions on the mandate of MICIVIH took place on 4 November 1994 in Washington between Mr. Gaviria, Secretary-General of OAS, Mr. Brahimi, Special Representative of the Secretary-General for Haiti, Mr. Granderson, Executive Director of MICIVIH, and other members of the joint OAS/United Nations Working Group. It was decided that MICIVIH would continue to give priority to the monitoring and promotion of respect for human rights in Haiti. As in the past, the Mission would document the human rights situation, make recommendations to the Haitian authorities, implement an information and civic education programme and help solve problems such as those relating to detentions, medical assistance to victims and the return of displaced persons. For instance, it would observe the forthcoming electoral campaign, during which it would monitor, in particular, respect for freedom of expression and association, and it might participate in the observation of the election itself. MICIVIH would also contribute to institution-building, particularly the strengthening of human rights organizations. It could, for example, offer assistance to the Truth Commission, the Reparations Commission and the soon-to-be established office for the protection of the citizenry, and to the Human Rights Bureau of the Ministry of the Interior. It could lend its support to Haitian non-governmental human rights organizations, help to train the staff of new human rights institutions and provide advice and assistance in legal matters. The teams of observers deployed in the provinces could, lastly, help in the Government's decentralization efforts.

18. In agreement with OAS, it is thus proposed that MICIVIH, while continuing to verify compliance with Haiti's human rights obligations and to promote respect for the rights of all Haitians, should contribute in so far as possible, to the strengthening of democratic institutic The broadening of its responsibilities would not have any financial implications, for the total number of its staff would remain unchanged.